

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

OCT 26 2017

D. MARK JONES, CLERK
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Name & Number: Daniel R. Chaides #141290
Attorney Pro Se
Utah State Prison
PO Box 250
Draper, Utah 84020

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SEP 14 2017

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION

Daniel R. Chaides, Plaintiff,
vs. utah state prison,
B. Strong; JOHN DOES 1-10, employees at Utah State Prison, individually, Defendants.)
Case: 2:17-cv-01033
Assigned To: Parrish, Jill N.
Assign. Date: 9/14/2017
Description: Chaides v. Utah State Prison
CIVIL RIGHTS COMPLAINT AND
DEMAND FOR JURY TRIAL
Pursuant to 42 U.S.C. §1983

JURISDICTION

1. Plaintiff Daniel R. Chaides is a citizen of Utah, who presently resides at the Utah State Prison, P.O. Box 250, Draper, Utah 84020.
2. Defendant B. Strong is a citizen of Utah, and is employed as the Officer at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he/she is the Officer at the Utah State Prison for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

3. Defendant B. Strong is a citizen of Utah, and is employed as the Officer at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he/she is the Officer for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

4. Other Defendants by name and position, if known: Officer C. Zimmerman, Officer L. Graham, Nurse Adam Archer, Telamed Mental health doctor at U of U, Asian female, the Utah State prison, State of Utah.

5. Defendant John Does 1-10, whose true names are unknown and when true names are ascertained the pleadings will be amended accordingly, are citizens of Utah, and are employed at the Utah State Prison. At the time the claim(s) alleged in this complaint arose, these defendants were acting under color of state law in that they are employees for the Utah Department of Corrections and are directly responsible for wrongful actions alleged herein.

6. Jurisdiction is invoked pursuant to 28 U.S.C. §1333 (3); and 42 U.S.C. §1983.

B. NATURE OF CASE

7. Why are you bringing this case to court? Describe the circumstances that led to the problem (include the who/what/when/where of your claims):

My hip left side broke from falling off the top bunk. Which was of fault of the officers, medical and mental health for them refusing my requests to move to the bottom bunk, Also the Mental health doctor which increased my medication Geodone, which gave me strange dreams causing the fall. On 04/09/2015, I fell of the top bunk after 9:00pm. In the 3rd and 4th month of 2015, I was in a cell by myself. I asked officer B. Strong to move to the bottom bunk, because I was on Geodone, having strange dreams and I was afraid, I would fall off, I told him this and he said "No", So I told medical and mental health as well, they said "No", I then moved down to the bottom bunk anyway. Then officer B. Strong gave me a direct order to get back to the top bunk or go to A- section which is all locked down unit in Olympus. Officers C. Zimmerman and C. Graham were working in Olympus along with other Officers which denied me moving to the bottom bunk. Nurse Adam Archer was working when I fell from the top bunk. Also before I fell and broke my hip,

I went to the infirmary telamed, which I saw the female Asian Mental Health doctor that denied my bottom bunk request, I told her about the strange dreams and me moving in my sleep, afraid I would fall off. I asked to come off the medication Geodone. Instead she went from 40mg twice a day to 60mg twice a day, which caused worse dreams and movement in my sleep, which lead to the fall and brake of my hip. I have mental anguish and physical pain for the rest of my life.

C. CAUSE OF ACTION

6. Plaintiff alleges that the following constitutional rights, privileges or immunities have been violated and that the following facts form the basis for the allegations:

1. Count I: Plaintiff's Sixth Amendment and Liberty Interests to equal protection are denied by the Defendant based upon the following: When Officer B. Strong gave me a direct order to move to the bottom bunk, when he knew I was having strange dreams and could fall but did not prevent it.

2. Count II: Plaintiff's Eighth Amendment and Liberty Interests to be free

from cruel and unusual punishment have been violated by Defendants' actions in that

When Officers C-Zimmerman and C-Graham
and Medical Staff and Mental Health not
letting me be on a bottom bunk in a cell
that I was in alone for months. I asked on
many times to move with good intrest for
my health and they all denied me the
right for my Safety to the point to
Were I broke my hip. Then they charge
me over \$1,500 dolars. When they could
have prevented this.

Other rights being violated (include amendments as appropriate): When I explained
to Mental Health and they increased my
medication that was given me problems
from 40 mg twice daily of Geodone to
60 mg twice daily of Geodone. After I
broke my hip the nurse realizes
my tongue sticking out beacuse they
Were Poisioning me. There is a name for it.

D. INJURY

Describe how you were injured as a result of the claims herein:

My hip broke from the fall off the top bunk,
Were I had to have a metal rod put in
my leg screwed to the bone. which hurts
a lot still to this day more at time worse.
Mental anguise dealing with this daily.

E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

13. Plaintiff has not filed any other law suits in state or federal court dealing with the same facts involved in this action.

14. Plaintiff has previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of herein to no avail.

F. REQUEST FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a) Trial by jury.
- b) That counsel be appointed to represent the Plaintiff in this action.
- c) Punitive damages in the amount of \$183,000.00.
- d) Compensatory damages in the amount of \$859,000.00.

- e) Grant attorney fees and court costs for this action.
- f) Such other and further relief the court deems just and proper.

DATED this 21 day of July, 2017

Daniel Rodrigo Cháides
Plaintiff, Attorney pro se

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained therein is true and correct, and filed according to 28 U.S.C. Sec. 1976 and 18 U.S.C. Sec. 1621.

EXECUTED at 5:21 pm on July 21, 2017.

Daniel Rodrigo Chávez
Plaintiff

CERTIFICATE OF MAILING

I do hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, to the US District Court at 351 South West Temple Room 1.100, Salt Lake City, Utah, 84101 on this 14 day of September, 2017.

Daniel Rodrigo Maires

Offender #141290

Inmate Housing 01Y-C-17-T
Utah State Prison

P.O. Box 250

Draper, Utah

84020-0250

Moving to

Central Division

Chaides, Daniel, Rodrigo #141290

"Bonneville" → a Half-way House

1141 S. 2475 W.

Salt Lake City, Utah

84104

Defendants

Utah State Prison

Strong, B.

9/14/2017